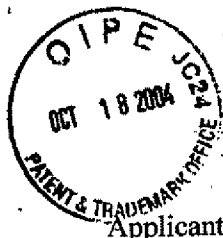


Drawing Amendments:

A copy of the Petition under Rule 182 as filed with the USPTO in the above-identified application on October 13, 2004, as obtained from the USPTO Patent Application Information Retrieval system is attached herewith. This copy of the Petition includes a date-stamped copy of Figures 1-10 (6 sheets) as originally filed in the above-identified application on April 8, 2004.

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Xuming Xiong, et al.

Title: BIAXIALY-TEXTURED FILM DEPOSITION FOR
SUPERCONDUCTOR COATED TAPES

App. No.: 10/821,010

Filed: April 8, 2004

Examiner: UNASSIGNED

Group Art Unit: 1775

Customer No.: 34456

Confirmation No.: 9314

Atty. Dkt. No.: 1014-SP215-US

MS MISSING PARTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION UNDER RULE 182

Dear Sir:

In response to the Notice of Omitted Items in a Non-Provisional Application dated August 13, 2004 (copy enclosed), Applicants submit herewith evidence that drawing sheet number 5 containing FIGs. 8 and 9 was filed as a part of the originally filed application. In particular, submitted herewith is a copy of Applicants' Postcard Receipt date-stamped by the PTO on April 8, 2004, indicating receipt of the application papers marked on the postcard. As noted on the postcard, six sheets of drawings were submitted and acknowledged by the PTO. In addition, enclosed herewith is a copy of the Utility Patent Application Transmittal submitted with the original filing, also bearing and indication of six sheets of drawings.

To complete the file of the PTO, Applicants enclose herewith a copy of all six sheets of the originally filed drawings, which includes sheet number 5 containing FIGs. 8 and 9 noted in the Notice of Omitted Items. Under MPEP §503, the enclosed Postcard and Utility Patent Application Transmittal provide *prima facie* evidence that the USPTO has received all items

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>10-18-04</u> .	
<u>Elise K. Dougherty</u>	<u>[Signature]</u>
Typed or Printed Name	Signature

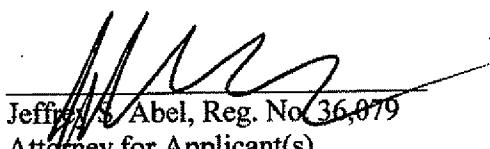
listed thereon. Accordingly, the PTO is requested to update its file to contain FIGs. 8 and 9 and to provide Applicants with notice of the update.

Since it should be properly determined that FIGs. 8 and 9 were indeed received by the USPTO, it is believed that no petition fee is necessary. However, to the extent that the PTO requires a petition fee under Rule 17(h) for entry of this petition, the PTO is authorized to charge Applicants' representatives' deposit account number 50-2469.

Respectfully submitted,

Date

10/13/04


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APR 15 2004



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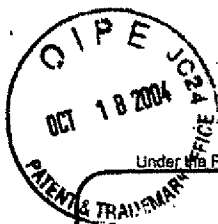
Dougherty, Clements & Hofer
1901 Roxborough Road, Suite 300
Charlotte, NC 28211

20



Applicant: Xiong et al. Docket/Ref. No. SP#215(3D3) ^{MD}
Title: Biaxially-Textured Film Deposition for Super Conductor. ^{HE}
Serial/Patent No. _____ Date Sent: 4/8/2004
☐ Certificate of Mailing ☐ 1st Class Mail ☒ Ex Mail No. EV 402539142 US
New Patent App: ☒ Utility ☐ Design ☐ Prov ☐ Cont ☐ CIP ☐ Div ☐ PCT ☐ CPA ☐ RCE
35 pages of Application
6 sheets of Formal/Informal Drawings
☒ Cover Letter
☒ Fee Transmittal (Form SB17)
☐ Response/Amendment _____ pages
☐ Information Disclosure Statement
Form PTO 1449
Copies of cited references
☐ Preliminary Amendment
☐ Response to Missing Parts Notice
☐ Certified Copy of Priority Doc.
☐ Claim of Convention Priority
☒ Post Card Receipt
Paid by: ☐ Deposit Account ☒ Credit Card (Form Enclosed) ☐ Check Enclosed
☒ PLEASE INDICATE SERIAL NUMBER HEREON
15364 U.S. PTO 10/821010 040804
☐ Formal / Informal / Substitute drawing Sheet (no. of Substitute/Specimens)
☒ Combined Declaration/Power of Attorney
☐ Revocation and Power of Attorney
☐ Petition to Commissioner for
☐ Request for _____ month Extension of Time
☐ Request for Non-Publication
☐ Transmittal of Issue Fee Form PTOL 85b
☒ Assignment Docs. Form PTO 1595
☐ Notice of Appeal
☐ Appeal Brief
☒ Other: Petition to Make Special
LA/PL: GNC/Kat

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT
THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED



PTO/SB/05 (08-03)
Approved for use through 07/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	3723 (#215)
First Inventor	Xiong et al
Title	Blaxially-Textured ...
Express Mail Label No.	EV 402539142 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1459
Alexandria VA 22313-1459

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 35]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- Oath or Declaration [Total Sheets 4]
 - ☒ Newly executed (original or copy)
 - ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Date Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)

Specification Sequence Listing on:

- ☐ CD-ROM or CD-R (2 copies); or
- ☐ Paper

Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Petition to Make Special

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Date Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Prior application information:

Examiner

Art Unit:

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 22474 OR ☐ Correspondence address below

Name	Gregory N. Clements		
Address	DOUGHERTY, CLEMENTS & HOFER		
	1901 Roxborough Road, Suite 300		
City	Charlotte	State	NC
Country	USA	Telephone	704.366.6642
		Fax	704.366.9744

Name (Print/Type)	Gregory N. Clements	Registration No. (Attorney/Agent)	30,713
Signature		Date	April 8, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.